

**ARGUMENTS SUBMITTED IN CON-
NECTION WITH A REFERENDUM
ON PROPOSED FEDERAL LEGISLA-
TION PROVIDING FOR THE CREA-
TION OF A DEPARTMENT OF EDU-
CATION AND FEDERAL AID FOR
EDUCATION :: :: :: :: ::**

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A DEPARTMENT OF EDUCATION AND FEDERAL AID FOR EDUCATION

Origin of the Proposals.

The establishment of a Department of Education has been advocated from time to time for many years. In fact, the Federal office now known as the Bureau of Education was first created as an independent department. The head of it, however, was a commissioner, not a Cabinet officer. In 1868, a year after its establishment, it was reduced to the rank of a bureau in the Department of the Interior. The question of the re-establishment of it as a separate department has several times been broached. The movement in this direction has of late years gathered momentum because of the great complexity of the Government's educational interests and because of the increasing consciousness throughout the country of the national significance of education.

For several years there has been a bill before the Senate, periodically introduced by Senator Owen. It is a very brief and simple measure which provides in substance for the transformation of the Bureau of Education into a Department of Education, with appropriations adequate to enable it to investigate educational conditions and to promote desirable educational movements throughout the country. The bill has never secured sufficient backing to be favorably reported by the committee which has had it in charge.

At the time the United States entered the war, the educational activities of the Government were carried on in more than thirty separate departments, boards, commissions and bureaus. Large funds were involved in the aggregate undertaking. Yet there was no relation between the several agencies. There resulted competition, duplication of effort, diffusion of power, confusion of the public mind.

The war emphasized anew the national bearing of education. Education was seen to have a very intimate relation to national strength. The three great problems of the war, (1) The raising and training of an army; (2) the equipping of the army; and (3) the development of the public morale, were seen to be largely educational problems. Particularly the first and the third could not be solved without the help of schools and universities. It was soon apparent that what was needed was a strong Federal agency for education capable of studying the field as a whole, of formulating a national educational program and of apportioning to the several instrumentalities—Federal, state and local—those parts of the work which each was best fitted to perform.

It was the consciousness of this need for a single and united leadership in the national emergency that stimulated two bodies representing educational interests to urge upon Congress again the establishment

of a Department of Education as a war measure. In February, 1918, a committee of the American Council on Education prepared a report setting forth the necessity for a Department of Education and requesting the Senate Committee on Education and Labor to give favorable consideration to the Owen bill then before it. Senator Hoke Smith, the Chairman of the Senate Committee on Education and Labor, was sympathetic with the committee's desires, but was of the opinion that a broader measure than the Owen bill was needed in order to secure the support of Congress and to meet the demands of the existing emergency. The committee of the American Council on Education accordingly set about the preparation of a measure which would conform with the views both of Congress and of the constituent associations of the Council.

Meanwhile another movement started. At the end of February, 1918, the National Education Association appointed a Commission on the National Emergency in Education. The commission began at once to study the principal defects of the national educational system as revealed by the war. These were believed to be: (a) the failure of the schools to reach the non-English speaking aliens and native illiterates; (b) the failure of the schools to provide an effective program of health education; (c) the great inequalities of public schools and particularly the inferiority of many rural schools; and (d) the lack of a sufficient supply of trained teachers. The commission early came to the conclusion that these defects could not be speedily remedied without substantial subsidies from the Federal Government. It therefore proposed to draft a bill which would provide, not only for a Department of Education to unify and co-ordinate the Government's educational efforts, but also for large Federal appropriations to be apportioned among the states in such a way as to cure the worst of the defects noted above. The first form of the bill to be presented to Congress was introduced by Senator Smith and bore the number S. 4987. Subsequently, as the result of criticisms from various quarters, it was revised and reintroduced as the Smith-Towner bill (S. 1017 and H. R. 7) in May, 1919.

The committee of the American Council on Education did not carry out its plan to present a measure of its own, providing for the creation of a Department of Education, although it drafted such a bill. It judged, however, that the purposes which the Council sought could be achieved by friendly conferences with the N. E. A. Commission and by later modifications of the commission's bill, if that turned out to be desirable. It did not agree with the N. E. A. Commission as to the need of large Federal appropriations and in certain other respects it did not approve of the bill which the commission eventually prepared. It took no definite steps during 1919 to bring this bill and the principles involved to the attention of the membership of the Council. In the last few months, however, the legislative situation has developed. Not only has the Smith-Towner bill received the endorsement of many educational and civic organizations, but there are now pending several other educational measures embodying similar principles of Government support and control of education—some of them are in effect fractional parts of the Smith-Towner bill. One or another of them

may pass in the near future. The amount of support now being brought behind the Smith-Towner bill may also force the consideration of that measure at the next session of Congress. The Committee on Federal Legislation of the American Council on Education therefore judges that the time has come to lay the whole matter before the constituent members of the Council and before the university public in order that the committee may truly represent the views of the Council's membership if called upon to appear before committees of Congress. That is the purpose of this referendum. The points upon which the Committee especially desires to be instructed are taken up below in the order in which they appear on the ballot.

A FEDERAL DEPARTMENT OF EDUCATION.

(Ballot, Question No. 1: 'Is the creation of a Department of Education with a Secretary in the President's Cabinet endorsed'?)

ARGUMENTS IN FAVOR.

The principal arguments in favor of the creation of a Federal Department of Education have already been referred to. In addition, it may be briefly pointed out that such a Department is expected to carry on extensive investigations of the educational needs of the nation and of all questions relating to education. It would be charged with promoting educational relationships between the United States and foreign countries. From its accumulation of exact information and by reason of the distinguished personnel which could be drawn to it (but which cannot be attracted to a subordinate bureau), it would assume leadership in developing American education. Moreover, both the interests of education and the interests of the country as a whole demand that education be taken into account in establishing the general public policies of the nation. This would be assured by the presence of a Secretary speaking for education in the President's Cabinet. The prestige of education would also be greatly enhanced.

ARGUMENTS AGAINST.

The principal argument against the creation of a Department of Education is the fear of Federal domination of the educational affairs of the country. Many believe that this will inevitably follow the step toward centralization which the department represents. It is also objected that the creation of a Department headed by a Secretary immediately involves education with politics. Cabinet officers are almost invariably chosen from the party in power. There would be a Democratic Secretary under a Democratic administration and a Republican Secretary under a Republican administration. There should be, however, no political or partisan aspects of education. The change of the highest educational officer of the country to conform to the political color of any given administration would tend to create in the popular mind a false impression of the relation of education to politics.

Strong opposition to a Department of Education is looked for from existing governmental offices now scattered through various depart-

ments. Many of these would expect to have their privileges diminished if they were transferred to a new Department of Education. The work of others is so intimately bound up with the work of the departments in which they are now located that the transfer of them to a new department is regarded as disastrous. This is particularly the case with the educational enterprises in the Department of Agriculture. It should be noted, however, that no suggestion of change or consolidation or re-arrangement in the government service generally meets with the favor of the offices affected.

Those who oppose the creation of a Department of Education offer certain counter proposals. Perhaps the most widely discussed of these—and the most plausible—is a proposal for a Federal Board of Education to be appointed by the President from the country at large. The Board would elect an executive officer—with the title of Commissioner, or Superintendent or Director—who would have charge of the operations of the Board, who would be wholly removed from political pressure and would hold office on good behavior. The advocates of this type of Federal organization make much of the analogy between it and the organization which has proved effective in states and cities. (It may be pointed out that the analogy would be complete only if the tasks of the Federal Board were primarily administrative ones.)

Another counter-proposal is for a National University. This is based on a totally different conception of the task of the Federal educational office. The advocates of the National University idea conceive the educational and scientific functions of the government as being the solution of important national problems. The solution can be best advanced by assembling the most distinguished experts and setting them at the task. A National University conceived as a great problem solving center would furnish the best focus for this expert service. The question of the administration of subsidies or of any body of substantive law does not enter into the plan of the National University as outlined here.

Still another proposal is the creation of a Department of Education and Science that would bring together in a single department all those offices of the Government which are concerned with scientific investigation and the dissemination of knowledge, but which administer no body of substantive law. Offices of existing departments that combine the two functions of investigation and the administration of a body of law (as, for example, the States Relations Service of the Department of Agriculture) would be left in those departments in which they are now located.

FEDERAL AID.

(Ballot Question No. 2: "Is the principle of Federal aid to education in the states on the condition that the states match the Federal appropriations endorsed?")

ARGUMENTS IN FAVOR.

The principal argument in favor of Federal aid for education is as follows: Citizens are citizens not only of states or local communities but citizens of the nation. It is a matter of vital importance to the

nation that all of its citizens should be as intelligent as possible and capable of discharging to the full the duties of citizens. Moreover in a democracy which is based on the theory of equality of opportunity the nation is under obligations to see that opportunities in all its communities are substantially equal. It is therefore reasonable to tax all the wealth of the country in order to equalize educational opportunities in all of its parts. There must be Federal support of education, furthermore, if educational opportunities are to be equalized. The schools in rural and village communities can only be strengthened thru the expenditure of funds much greater than these communities themselves can raise. "General state taxation has already proven itself inadequate to a solution of the problem on a national scale. The welfare of the nation itself is more intimately bound up with the intelligence of that majority of its children now enrolled in the rural and village schools than any other single factor. Federal co-operation in the support and development of rural education is clearly the only solution of the problem."

The condition that states must appropriate an equal amount of money in order to receive Federal aid is defended on the ground and that by this means local responsibility is preserved and the smaller divisions of the nation are compelled to make a reasonable provision for education.

ARGUMENTS AGAINST.

Those opposed to the provisions for Federal aid contained in the Smith-Towner Bill, the Kenyon Bill and other similar measures, for the most part object both to Federal subsidies and to the principle of dollar for dollar appropriations. The following are the principal reasons for their opposition.

Bureaucratic control is the almost inevitable consequence of large Federal subsidies devoted to any kind of undertaking. However carefully the appropriating act may be drawn to preserve local autonomy and prevent undue Federal influence there is finally in the hands of the Federal office administering the subsidies great coercive power. The present form of the Smith-Towner Bill states: "That all educational facilities encouraged by the provisions of this act and accepted by a state shall be organized, supervised and administered exclusively by the legally constituted state and local educational authorities of said state, and the Secretary of Education shall exercise no authority in relation thereto except as herein provided to insure that all funds apportioned to said state shall be used for the purposes for which they are appropriated, and in accordance with the provisions of this act accepted by said state". In spite of this disclaimer opponents of Federal subsidies believe that the department still has complete power to mold the policies of the states as it chooses in that it is authorized to decide whether the plans submitted by any state are acceptable. It is believed that the tendency will gradually be in the direction of a larger measure of Federal dictation and control.

The preparation of records and reports in connection with the disbursement of large subsidies becomes an enormous routine clerical undertaking. A certain type of office is developed, of which there are a large number already in Washington. The work of such an office is

the more or less mechanical administration of a routine task. The opponents of Federal aid believe that the Federal education office should not be of this type. The Federal education office, whether it be a department or an agency of less official prestige, should be primarily a source of ideas and information. It should exert its leadership in the country by means of ideas. It should therefore be a scientific office devoted to the performance of expert tasks. The dispensation of subsidies with the accompanying friction and large dead-weight clerical staff would seriously diminish the inspirational influence of the department. Without desiring to make invidious comparisons, it is clear that the experience of the country with the existing governmental agencies for education bears out these contentions. For example the undertakings of the Bureau of Education differ fundamentally from those of the Federal Board for Vocational Education and the States Relation Service of the Department of Agriculture.

The opponents of Federal subsidies take sharp issue with the advocates on the question of the necessity for such subsidies. The opponents maintain that states are entirely able to provide all necessary support for education within their boundaries. Those that have not yet made adequate provisions will do so if their deficiencies are pointed out by an authority which all respect. A Federal education office adequately equipped to investigate educational conditions throughout the country, to point out existing defects and recommend improvements would accomplish everything that is sought by large Federal appropriations. The result would also be more wholesome in that the states would have taken measures for their own improvement rather than have had improvement thrust upon them.

The opponents of the special type of Federal subsidy provided in the Smith-Towner Bill, the Kenyon Bill and others, believe that the dollar for dollar appropriations are in principle not far removed from bribery. The motive appealed to is a low one. States are induced to give money to education, not because it is the proper thing to do, but in order that they may get their share of a Federal fund. Moreover the device is on trial. In the field of education it has been in operation for a little more than five years. It has caused endless friction in some quarters. Up to date it has been a very dubious success.

Two economic arguments are also urged against large Federal subsidies:

- (1) The determination of the purpose for which the money should be spent is too far removed from the people who are taxed for the expenditure.

- (2) Large Federal appropriations are particularly inopportune at the present time because they tend to increase the high cost of living. "Every hundred millions spent by the Federal Government under present tax or loan conditions is mostly taken out of capital and mostly added to personal expenditure. The addition to personal expenditure means an increased money demand for products. The diminished capital means a diminished supply of means of production. Thus the price disturbance, already bad enough, is accentuated at both ends. The bad effect of the proposed measure taken by itself in putting up prices of goods beyond their present high figure would be greater than anything it would do for teachers salaries".

(Ballot Question No. 3: Should a Department of Education supervise the expenditure of Federal appropriations of the states?)*

A certain inconsistency exists in the Smith-Towner bill with respect to the supervisory functions of the Federal government. The bill states, in Section 14: "That all the educational facilities encouraged by the provisions of this act and accepted by a state shall be organized, supervised and administered exclusively by the legally constituted state and local educational authorities of said state, and the Secretary of Education shall exercise no authority in relation thereto except as herein provided to insure that all funds apportioned to said state shall be used for the purposes for which they are appropriated and in accordance with the provisions of this act accepted by the state". If the Federal Board for Vocational Education is included in the Department of Education by direction of the President on the passage of the act, there will be a discrepancy between the procedure of the Department as specified in the clause quoted above and that already represented in the established practice of the Federal Board. The educational interests of the country should determine which procedure meets with their approval. It may be pointed out that the section quoted was introduced late into the Smith-Towner Bill in response to the representations of influential state school officials. A provision of this sort appeared to be necessary in order to safeguard the local autonomy of the states.

On the other hand the advocates of the degree of supervision provided in the Smith-Hughes Act maintain that there is a solemn obligation on the part of the state accepting Federal money to use the money in conformity with the requirements of the law making the appropriation. Without a thorough-going organization and careful safeguards it is not possible to make sure that the Federal money is being spent effectively for the purposes intended. In general it may be stated that somewhat strict supervision is inevitably bound up with large Federal appropriations.

*A certain amount of supervision is exercised by the Federal Board for Vocational Education. The Smith-Hughes Act states: "That the Federal Board for Vocational Education shall annually ascertain whether the several states are using or are prepared to use the money received by them in accordance with the provisions of this act". The Board determines this in part by inspections.

(Ballot Question No. 4: Should the Department of Education be authorized to determine acceptable standards for various types of institutions, to inspect institutions within the states and to publish its findings?)

The power to establish standards would unquestionably be the most influential prerogative of a Department of Education. Under the Smith-Towner Bill the Department is implicitly given this power. Through its ability to withhold appropriations unless state plans meet with its approval the Department can establish minimum standards in some of the principal fields of educational effort. It is this implied power to coerce through shutting off supplies that constitutes in the minds of critics of the bill one of its principal dangers. Standards for-

mulated in the serene seclusion of Washington may be imposed without debate or appeal upon institutions in all parts of the United States. Nothing is more likely to foster bureaucrat tendencies.

Nevertheless it is generally admitted that a national standardizing agency is needed. Those who distrust the influence of large Federal grants still believe that the Government's principal education office should be in a position to establish minimum standards. A Department well equipped for investigation and authorized by law to conduct investigations of schools in any part of the United States would need no further coercive powers to establish effective standards. The experience of the Carnegie Foundation, the Council on Medical Education and the Bureau of Education has shown that full publicity given to the investigations of a non-partisan agency is sufficient.

THE SMITH-TOWNER BILL UNAMENDED.

(Ballot Question No. 5: Is the Smith-Towner bill endorsed without amendments?)

The major issues involved in the Smith-Towner bill have already been outlined. Specific amendments are discussed below.

AMENDMENTS TO SMITH-TOWNER BILL.

(Ballot Question No. 6: Is an amendment of the Smith-Towner bill to provide for the inclusion in the Department of Education of the Federal Board for Vocational Education favored?)

ARGUMENTS IN FAVOR.

One of the principal ends sought in the measure for a Department of Education is the consolidation of the Government's educational offices and undertakings. In spite of this expressed purpose the Smith-Towner bill does not formally bring together the two principal education offices of the government. It is generally admitted that the effect of the attempt to separate vocational education from general education in states and in cities has been disastrous to both. Few reliable educators now believe that vocational education should be administered as a separate enterprise. It has been peculiarly unfortunate that the machinery set up by the Federal Government for the promotion of vocational education should have had no organic connection with the rest of the Government's educational efforts. If a new Department of Education did not include at the outset the work of the Federal Board the Department would be lop-sided. The existence of separate organisms to handle this important aspect of education would also tend to perpetuate and increase the confusion already existing in the educational field because of the necessity of dealing with a plurality of Government agencies.

ARGUMENTS AGAINST.

The principal argument against the designation of the Federal Board for Vocational Education as one of the offices to be included in the

Department of Education is that of expediency. Many influential members of Congress believe in preserving the autonomy of the Federal Board. At the time that the Smith-Towner bill was framed the officers of the Board also did not favor incorporation in the proposed department. It was felt that the bill would have a better chance of passage if the inclusion of the Federal Board was not specified. Advocates of the bill pointed out also that the decision is placed in the hands of the President and that if he sees fit the Federal Board may be added to the Department immediately upon its creation.

Ballot Question No. 7: Is an amendment of the Smith-Towner bill to eliminate the proposed appropriations for co-operation with the states and to provide for an investigation and report by the Department of Education on the distribution of Federal aid and the amounts needed for specific purposes favored?)

ARGUMENTS IN FAVOR.

The opponents of Federal aid to education and those who are skeptical about the necessity of large Federal appropriations will doubtless endorse a measure containing a provision such as is indicated in the question stated above. The Government has already made various experiments in granting aid to education. The important acts are the first and second Morrill Acts, under date of 1862 and 1890, respectively, the Hatch Act of 1887, the Smith-Lever Act of 1914, and the Smith-Hughes Act of 1917. The first Morrill Act merely granted land to the states for the establishment of colleges of agriculture and mechanic arts. The second Morrill Act provided an annual appropriation for the maintenance of these colleges with only the most general specifications as to the purposes for which the money should be expended. The Hatch Act established agricultural experiment stations and provided for their support by annual Federal appropriation. The direction of the stations and the approval of their projects were placed in the hands of the Department of Agriculture. The Smith-Lever Act provided large continuing annual appropriations for the support of extension teaching and demonstration in agriculture and home economics on condition that the states should appropriate amounts equal to the sums received by them from the Federal government. The whole undertaking is directed from Washington. The Smith-Hughes Act provided for annual appropriations for the development of vocational education on condition that the Federal money is matched by money raised by or in the states. It specifies in detail how the sums should be spent and locates in the Federal Board for Vocational Education authority to approve plans and establish standards. The experience of the United States with Federal aid of one kind or another covers a period of nearly sixty years. The experience is long enough to furnish a basis for reasonably sound conclusions as to the effect of Federal aid and the type of Federal aid likely to prove most stimulating. As far as is known the result of this experience has never influenced new legislation except in the most superficial way. The question is one of such serious moment to the whole future educational development of the United States that it should be studied carefully. No large new provisions for

Federal aid should be made except on the basis of a matured theory. A long and careful investigation must precede the formation of such a theory. This is an appropriate task for a Department of Education. It represents the determination of a policy of statesmanship.

Opponents of the Federal aid provisions in the Smith-Towner bill likewise urge that the sum of one hundred million dollars is a thoroughly arbitrary sum. No reliable data are at hand to indicate that just this amount is needed to accomplish the purposes specified in the bill. Its very roundness indicates that it is a guess. The division of it also into so many fortieths, twentieths and tenths for specific purposes is also based on rough estimates. Assuming that the Federal Government should grant aid in large amounts for education in the states it would be far better to determine in advance the actual needs of each phase of education to be subsidized. Such an approach to the subject must especially commend itself to scientifically trained persons.

ARGUMENTS AGAINST.

The defendants of this portion of the Smith-Towner bill maintain that the necessity for Federal assistance is immediate. Several years delay would result in irreparable losses in the development of the whole country during this critical period. Admitting that the hundred million dollars is a round sum, they point out that it is certainly too small rather than too large and that it is highly desirable to secure so much at once and get started. They also point to the difficulties of the executive departments in securing large appropriations on representation of the needs of the interests to which the departments cater. They regard it as wholly improbable that Congress would make large provision for Federal aid to be spent by a Department of Education two or three years after the establishment of the Department on recommendation of the Department itself. If, however, the Department already has a large continuing appropriation it will be relatively easy to secure additions to this sum as they may be needed from time to time.

In general defense of Federal aid it is pointed out that the principle has long ago been accepted that the money raised by taxing a whole state may properly be spent to equalize the educational opportunities throughout the state. Without such assistance small localities could not support adequate educational institutions. If the principle applies to the state as a political unit, logically it should apply to the nation.

(Ballot Question No. 8: Is an amendment of the Smith-Towner bill to provide for the appointment by the Department of Education of an advisory council representing non-official educational opinion favored?)

ARGUMENTS IN FAVOR.

Whether the Department of Education be established primarily as an investigating and co-ordinating agency or as a distributor of Federal funds its vitality will largely depend upon the closeness of its contact with the best minds among the educational public. Some of the most valuable experiences of the war were the examples of co-operation

between Federal offices and leading citizens. In any event the Department of Education should be the focus and center of dynamic ideas. Government departments can never maintain a monopoly of ideas. To avoid stagnation they must constantly seek ideas at their sources. The provision in the Act itself for the creation of an advisory council would go a long way toward keeping the department in contact with the best thought of the country and save it from bureaucratic tendencies. Provisions for the appointment of such advisory councils appear in several other measures now before Congress.

(Ballot Question No. 9: Is the Kenyon bill endorsed?)

The Kenyon Bill for Americanization appropriates \$6,500,000 for the education of illiterates and other persons not able to read or write English. \$336,100 of this amount is deducted for investigation and administration. The remainder is to be allotted by the Secretary of the Interior to the states in the ratio in which the number of resident illiterate and other persons unable to understand, speak, read or write the English language, sixteen years of age and over, bears to the number of resident illiterates and other persons unable to understand, speak, read or write the English language, sixteen years of age and over, within the United States. To receive the benefits of the Act each state must appropriate an amount of money equal to that received by it from the Federal government. It must require all illiterates and non-English speaking aliens to attend classes for two hundred hours a year, until they have completed a specified course approved by the Secretary of the Interior. State plans and regulations for the carrying out of the purposes of the Act must be approved by the Secretary of the Interior. The administrative agent for the Secretary of the Interior is the Bureau of Education.

ARGUMENTS IN FAVOR.

The Kenyon bill originally contained that portion of the Smith-Towner bill which relates to the eradication of illiteracy and the training of foreigners in the English language. It was felt that these constituted the two most urgent educational demands made upon the National Government. States had already failed to eradicate illiteracy or to provide adequately for the Americanization of the foreign population. It had therefore become a national obligation. Without waiting for the creation of a Department of Education it was desirable to assign this task to the Government's principal education office—the Bureau of Education in the Department of the Interior.

ARGUMENTS AGAINST.

The opponents of the Kenyon bill while admitting the desirability of Americanizing aliens and eradicating illiteracy, strenuously object to the modus operandi prescribed by the Kenyon bill. More than any other educational measure, this one places full control of this large national undertaking in the hands of a Washington department. The Secretary of the Interior through the Bureau of Education is charged with formulating the courses of study to be used throughout the states,

with approval of state plans, with prescribing standards and with supervision. He is authorized to withhold appropriations if local arrangements are not satisfactory to him. It is not the leadership of an office equipped to investigate the subject and bring to bear upon it the best thought in the country that is provided for, but rather a scheme of bureaucratic domination. While the amount of money involved in the Kenyon bill is small, the principle is judged by its opponents to be dangerous in the extreme.

It will be observed that other features of the bill correspond to certain features of the Smith-Towner bill concerning which arguments pro and con have already been presented.

Footnote—For a discussion of other educational bills before Congress, see the Educational Record, Nos. 1 and 2.

THE SMITH-TOWNER BILL

To create a Department of Education, to authorize appropriations for the conduct of said Department, to authorize the appropriation of money to encourage the States in the promotion and support of education, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created an executive department in the Government to be called the Department of Education, with a Secretary of Education, who shall be the head thereof, to be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of \$12,000 per annum, and whose tenure of office shall be the same as that of the heads of other executive departments; and section one hundred and fifty-eight of the Revised Statutes is hereby amended to include such department, and the provisions of title 4 of the Revised Statutes, including all amendments thereto, are hereby made applicable to said department. The Secretary of Education shall cause a seal of office to be made for such department of such device as the President shall approve, and judicial notice shall be taken of said seal.

Sec. 2. That there shall be in said department an Assistant Secretary of Education to be appointed by the President, who shall receive a salary of \$5,000 per annum. He shall perform such duties as may be prescribed by the Secretary or required by law. There shall also be one chief clerk and a disbursing clerk and such chiefs of bureaus and clerical assistants as may from time to time be authorized by Congress.

Sec. 3. That there is hereby transferred to the Department of Education the Bureau of Education, and the President is authorized and empowered in his discretion to transfer to the Department of Education such offices, bureaus, divisions, boards or branches of the Government, connected with or attached to any of the executive departments or organized independently of any department, as in his judgment should be controlled by, or the functions of which should be exercised by, the Department of Education, and all such offices, bureaus, divisions, boards or branches of the Government so transferred by the President or by Act of Congress, shall thereafter be administered by the Department of Education, as hereinafter provided.

All officers, clerks, and employees employed in or by any office, bureau, division, board or branch of the Government, transferred in accordance with the provisions of this Act to the Department of Education, shall each and all be transferred to said Department of Education at their existing grades and salaries, except where otherwise provided in this Act; and the office records and papers on file and pertaining exclusively to the business of any such office, bureau, division, board or branch of the Government so transferred, together with the furniture and equipment thereof, shall be transferred to said department.

Sec. 4. That the Secretary of Education shall have charge, in the buildings or premises occupied by or assigned to the Department of Education, of the library, furniture, fixtures, records and other property used therein or pertaining thereto, and may expend for rental of appropriate quarters for the accommodation of the Department of Education within the District of Columbia, and for the library, furniture, equipment and all other incidental expenses, such sums as Congress may provide from time to time.

All power and authority conferred by law upon or exercised by the head of any executive department, or by any administrative board, over any officer, office, bureau, division, board or branch of the Government, transferred in accordance with the provisions of this Act to the Department of Education, and any and all business arising therefrom or pertaining thereto, and all duties performed in connection therewith, shall, after such transfer, be vested in and exercised by the Secretary of Education.

All laws prescribing the work and defining the duties and powers of the several offices, bureaus, divisions, boards or branches of the Government, transferred in accordance with the provisions of this Act to the Department of Education, shall, in so far as the same are not in conflict with the provisions of this Act, remain in full force and effect and be executed by the Secretary of Education, to whom is hereby granted definite authority to reorganize the work of any and all of the said offices, bureaus, divisions, boards or branches of the Government so transferred, in such way as will in his judgment best accomplish the purposes of this Act.

Sec. 5. That it shall be the duty of the Department of Education to conduct studies and investigations in the field of education and to report thereon. Research shall be undertaken in (a) illiteracy; (b) immigrant education; (c) public-school education, and especially rural education; (d) physical education, including health education, recreation and sanitation; (e) preparation and supply of competent teachers for the public schools; and (f) in such other fields as, in the judgment of the Secretary of Education, may require attention and study.

In order to carry out the provisions of this section the Secretary of Education is authorized, in the same manner as provided for appointments in other departments, to make appointments, or recommendations of appointments, of educational attaches to foreign embassies, and of such investigators and representatives as may be needed, subject to the appropriations that have been made or may hereafter be made to any office, bureau, division, board or branch of the Government, transferred in accordance with the provisions of this Act to the Department of Education; and where appropriations have not been made therefor the appropriation provided in section six of this Act shall be available.

Sec. 6. That for the fiscal year ending June 30, 1921, and annually thereafter, the sum of \$500,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Department of Education, for the purpose of paying salaries and conducting investigations and paying all incidental and traveling expenses and rent where necessary, and for the purpose of enabling the Department of Education to carry out the provisions of this Act. And all appropriations which have been made and which may hereafter be made to any office, bureau, division, board, or branch of the Government, transferred in accordance with the provisions of this Act to the Department of Education, are hereby continued in full force and effect, and shall be administered by the Secretary of Education in such manner as is prescribed by law.

Sec. 7. That in order to encourage the States in the promotion and support of education, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1921, and annually thereafter, \$100,000,000, to be apportioned, disbursed, and expended as hereinafter provided.

Sec. 8. That in order to encourage the States to remove illiteracy, three-fortieths of the sum authorized to be appropriated by section 7 of this Act shall be used for the instruction of illiterates ten years of age and over. Such instruction shall deal with the common-school branches and the duties of citizenship, and when advisable shall prepare for some definite occupation. Said sum shall be apportioned to the States in the proportions which their respective illiterate populations of ten years of age and over, not including foreign-born illiterates, bear to such total illiterate population of the United States, not including outlying possessions, according to the last preceding census of the United States.

Sec. 9. That in order to encourage the States in the Americanization of immigrants, three-fortieths of the sum authorized to be appropriated by section 7 of this Act shall be used to teach immigrants ten years of age and over to speak and read the English language and to understand and appreciate the spirit and purpose of the American Government and the duties of citizenship in a free country. The said sum shall be apportioned to the States in the proportions which their respective foreign-born populations bear to the total foreign-born population of the United States, not including outlying possessions, according to the last preceding census of the United States.

Sec. 10. That in order to encourage the States to equalize educational opportunities, five-tenths of the sum authorized to be appropriated by section 7 of this Act shall be used in public elementary and secondary schools for the partial payment for teachers' salaries, for providing better instruction and extending school terms, especially in rural schools and schools in sparsely settled localities, and otherwise providing equally good educational opportunities for the children in the several States, and for the extension and adaptation of public libraries for educational purposes. The said sum shall be apportioned to the States, one-half in the proportions which the number of children between the ages of six and twenty-one of the respective States bear to the total number of such children in the United States, and one-half in the proportions which the number of public-school teachers employed in teaching positions in the respective States bear to the total number of public-school teachers so employed in the United States, not including outlying possessions, said apportionment to be based upon statistics collected annually by the Department of Education.

Provided, however, That in order to share in the apportionment provided by this section a State shall establish and maintain the following requirements unless prevented by constitutional limitations, in which case these requirements shall be approximated as nearly as constitutional provisions will permit: (a) a legal school term of at least twenty-four weeks in each year for the benefit of all children of school age in such State; (b) a compulsory school attendance law requiring all children between the ages of seven and fourteen to attend some school for at least twenty-four weeks in each year; (c) a law requiring that the English language shall be the basic language of instruction in the common-school branches in all schools, public and private.

Sec. 11. That in order to encourage the States in the promotion of physical education, two-tenths of the sum authorized to be appropriated by section 7 of this act shall be used for physical education and instruction in the principles of health and sanitation, and for providing school nurses, school dental clinics, and otherwise promoting physical and mental welfare. The said sum shall be apportioned to the States in the proportions which their respective populations bear to the total population of the United States, not including outlying possessions, according to the last preceding census of the United States.

Sec. 12. That in order to encourage the States in the preparation of teachers for public-school service, particularly in rural schools, three-twentieths of the sum authorized to be appropriated by section 7 of this Act shall be used to provide and extend facilities for the improvement of teachers already in service and for the more adequate preparation of prospective teachers, and to provide an increased number of trained and competent teachers by encouraging, through the establishment of scholarships and otherwise, a greater number of talented young people to make adequate preparation for public-school service. The said sum shall be apportioned to the States in the proportions which the number of public-school teachers employed in teaching positions in the respective State bear to the total number of public-school teachers so employed in the United States, not including outlying possessions, said apportionments to be based on statistics collected annually by the Department of Education.

Sec. 13. That in order to secure the benefits of the appropriation authorized in section 7, and of any of the apportionments made in sections 8, 9, 10, 11, and 12 of this Act, a State shall by legislative enactment accept the provisions of this Act and provide for the distribution of such funds as may be apportioned to said State, and shall designate the State's chief educational authority, whether a State superintendent of public instruction, a commissioner of education, a State board of education, or other legally constituted chief educational authority, to represent said State in the administration of this Act, and such authority so designated shall be recognized by the Secretary of Education: Provided, That in any State in which the legislature does not meet in 1920, the governor of said State, in so far as he may have authority so to do, may take such action, temporarily, as is herein provided to be taken by legislative enactment in order to secure the benefits of this Act, and such action by the governor shall be recognized by the Secretary of Education for the purposes of this Act, when reported by the chief educa-

tional authority designated to represent said State, until the legislature of said State shall have met in due course and been in session sixty days.

In any State accepting the provisions of this Act, the State treasurer shall be designated and appointed as custodian of all funds received by said State as apportionments under the provisions of this Act, to receive and provide for the proper custody and disbursement of the same, such disbursements to be made in accordance with the legal provisions of said State, on warrants duly drawn by the State's chief educational authority designated to represent said State in the administration of this Act.

A State may accept the provisions of any one or more of the respective apportionments authorized in sections 8, 9, 10, 11, and 12 of this Act, and may defer the acceptance of any one or more of said apportionments: Provided, however, That no money shall be apportioned to any State from any of the funds provided in sections 8, 9, 10, 11, and 12 of this Act, unless a sum equally as large shall be provided by said State, or by local authorities, or by both, for the same purpose: And provided, That the sum or sums provided by a State for the equalization of educational opportunities, for the promotion of physical education and for the preparation of teachers, shall not be less for any year than the amount provided for the same purpose for the fiscal year next preceding the acceptance of the provisions of this Act by said State: And provided further, That no money apportioned to any State under the provisions of this Act shall be used by any State or local authority, directly or indirectly, for the purchase, rental, erection, preservation, or repair of any building or equipment, or for the purchase or rental of land, or for the payment of debts or the interest thereon.

Sec. 14. That when a State shall have accepted the provisions of this Act and shall have provided for the distribution and administration of such funds as may be apportioned to said State, as herein provided, the State's chief educational authority designated to represent said State shall so report in writing to the Secretary of Education. If such report shows that said State is prepared to carry out the provisions of this Act with respect to any one or more of the apportionments authorized in sections 8, 9, 10, 11, and 12 of this Act, the Secretary of Education shall apportion to said State for the fiscal year, or for the remainder of the fiscal year, as the case may be, such funds as said State may be entitled to receive under the provisions of this Act, and shall certify such apportionment or apportionments to the Secretary of the Treasury: Provided, That this Act shall not be construed to require uniformity of plans, means, or methods in the several States in order to secure the benefits herein provided, except as specifically stated herein: And provided further, That all the educational facilities encouraged by the provisions of this Act and accepted by a State shall be organized, supervised, and administered exclusively by the legally constituted State and local educational authorities of said State, and the Secretary of Education shall exercise no authority in relation thereto except as herein provided to insure that all funds apportioned to said State shall be used for the purposes for which they are appropriated, and in accordance with the provisions of this Act accepted by said State.

Sec. 15. That the Secretary of Education is authorized to prescribe plans for keeping accounts of the expenditures of such funds as may be apportioned to the States under the provisions of this Act, and to audit such accounts. The Secretary of Education may withhold the apportionment or apportionments of any State for the ensuing fiscal year whenever he shall determine that such apportionment or apportionments made to said State for the current fiscal year are not being expended in accordance with the provisions of this Act: Provided, however, That before withholding any such apportionment from any State, as herein provided, the Secretary of Education shall give due notice in writing to the chief educational authority designated to represent said State, stating specifically wherein said State fails to comply with the provisions of this Act.

If any portion of the money received by the treasurer of a State under the provisions of this Act for any of the purposes herein provided shall, by action or contingency, be diminished or lost, the same shall be replaced by said State, and until so replaced no subsequent apportionment for such purpose shall be paid to said State. If any part of the funds apportioned

annually to any State for any of the purposes named in sections 8, 9, 10, 11, and 12 of this Act has not been expended for such purpose, a sum equal to such unexpended part shall be deducted from the next succeeding annual apportionment made to said State for such purpose.

Sec. 16. That the Secretary of the Treasury is hereby authorized and directed to pay quarterly, on the 1st day of July, October, January, and April, to the treasury of any State designated to receive such funds, such apportionment or apportionments as are properly certified to him by the Secretary of Education, and he shall discontinue such payments when notified so to do by the Secretary of Education, as provided in this Act.

Sec. 17. That the chief educational authority designated to represent any State receiving the benefits of this Act, shall, not later than September 1 of each year, make a report to the Secretary of Education showing the work done in said State in carrying out the provisions of this Act, and the receipts and expenditures of money apportioned to said State under the provisions of this Act. If the chief educational authority designated to represent any State shall fail to report as herein provided, the Secretary of Education shall notify the Secretary of the Treasury to discontinue the payment of all apportionments to said State until such report shall have been made.

Sec. 18. That the Secretary of Education shall annually at the close of each fiscal year make a report in writing to Congress giving an account of all moneys received and disbursed by the Department of Education, and describing the work done by the department. He shall also, not later than December 1 of each year, make a report to Congress on the administration of sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 of this Act, and shall include in said report a summary of the reports made to him by the several States showing the condition of public education therein, and shall at the same time make such recommendations to Congress as will, in his judgment, improve public education in the United States. He shall also from time to time make such special investigations and reports as may be required of him by the President or by Congress.

Sec. 19. That this act shall take effect April 1, 1920, and all Acts and parts of Acts in conflict with this Act are hereby repealed.

THE KENYON BILL

To promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and the assimilation of foreign-born residents, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, through the Bureau of Education, is hereby authorized and directed to cooperate with the several States in the education of illiterates or other persons unable to understand, speak, read, or write the English language and with the Territories and possessions of the United States, except the Philippine Islands, in the education of illiterates.

Sec. 2. That for the purpose of cooperating with the several State in the education of illiterates or other persons unable to understand, speak, read, or write the English language there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1921, \$6,500,000.

Sec. 3. That of the amount appropriated by section 2 above, \$336,100 may be deducted and used for the following purposes:

Administrative officers, specialists, and field officers in Washington, District of Columbia—one at \$5,000, four at \$4,000 each, three at \$3,500 each, five at \$3,000 each, four at \$2,750 each, five at \$2,500 each; total, \$70,000.

Clerks, stenographers, and messengers in Washington, District of Columbia—one at \$2,000, three at \$1,800 each, six at \$1,600 each, ten at \$1,400 each, five at \$1,200 each; total \$37,000.

Regional officers—four at \$3,500 each, eight at \$3,000 each; total, \$38,000.

Clerks and stenographers in regional offices—four at \$1,400 each, four at \$1,200 each; total, \$10,400.

For printing, stationery, illustrative material, \$75,000.

For traveling and subsistence, \$30,000.

Rent of regional offices, \$5,000.

Part-time expert help in preparing material for teaching, \$50,000.

Ten short-course training schools for supervisors and directors and those who will train teachers, \$20,000.

Incidentals and contingencies, \$7,000.

Sec. 4. That the balance of the amount appropriated by section 2 remaining after making the deduction authorized by section 3 shall be apportioned by the Secretary of the Interior among and allotted to the several States in the ratio which the number of resident illiterates and other persons unable to understand, speak, read, or write the English language, sixteen years of age and over, bears to the number of resident illiterates and other persons unable to understand, speak, read, or write the English language, sixteen years of age and over, within continental United States, exclusive of the District of Columbia and the Territory of Alaska, according to the last published United States census: Provided, That the total sum allotted to any State shall not be less than \$5,000 for any fiscal year.

Sec. 5. That no money shall be paid to a State until it shall through its legislature—

- (a) Accept the provisions of this Act;
- (b) Designate an appropriate official to act as custodian of such money;
- (c) Authorize its department of education or chief school officer to cooperate with the United States in the work herein authorized;
- (d) Appropriate or make available for the purposes of this Act an amount equal to that allotted to the State by the United States;
- (e) Require all resident persons, whether citizens of the United States or aliens, sixteen years of age or over and under twenty-one years of age, who are not physically or mentally disqualified and who are illiterate or unable to understand, speak, read, or write the English language, to attend classes of instruction for not less than two hundred hours per annum until they

shall have completed a specified course prepared by the Department of Education or chief school officer of the State and approved by the Secretary of the Interior: Provided, That this shall not apply to those who are in this country temporarily for sojourn or business;

(f) Provide, as far as possible and practicable, for the education of resident persons, whether citizens of the United States or aliens, of the age of twenty-one years or more and less than fifty years, who are illiterate or unable to speak, read, or write the English language: Provided, That any course of education or instruction under this subdivision or under subdivision e shall especially include instruction in American history, the fundamentals of civil government, and the principles of the Constitution of the United States: Provided, further, That such course of education or instruction shall not be compulsory;

(g) Require the preparation and submission to the Secretary of the Interior annually of rules and regulations designed to enforce the provisions

(h) Require the submission annually to the Secretary of the Interior of such State law and the rules and regulations of the Secretary of the Interior;

a report which shall show the (1) plan for administration and supervision, (2) courses of study, (3) methods and kind of instruction, (4) equipment, (5) qualifications of teachers, supervisors, directors of education, and other necessary administrative officers or employees, (6) plans for the preparation of teachers, supervisors, and directors of education, and (7) receipts and expenditures of money for the preceding fiscal year: Provided, That if the governor of any State, the legislature of which does not convene before the year 1921, shall accept the provisions of this Act and cause such co-operation with the Secretary of the Interior as herein provided, such State shall be entitled to the benefits of this Act, and the Secretary of the Interior may cause to be expended in such State, until the legislature of such State convenes and has been in session sixty days, so much of the sums allotted to that State for the fiscal year as he may determine necessary for the purpose of this Act: And provided further, That any appropriation or donation by a county, municipality, local authority, school, corporation, partnership, society, or individual available for the purposes of this Act under the direction of the State board of education or chief school officer of the State may be accepted by the Secretary of the Interior as an appropriation by the State.

Sec. 6. That none of the sums herein appropriated, or appropriated or made available by or in any of the States, to carry out the provisions of this Act shall be used for the education of persons of less than sixteen years of age, or, except as provided by section 3, for any purpose other than the payment of salaries of teachers, supervisors, or directors of education, or for the preparation of teachers, supervisors, and directors of education.

Sec. 7. That the Secretary of the Interior shall (a) withhold the unpaid portion of an allotment to any State whenever he determines that any portion of the sums allotted are not being properly applied for the purposes of this Act, or may (b) deduct from the next succeeding allotment to any State a sum equal to that portion of the previous allotment paid to the State and which he determines has not been expended for the purposes of this Act: Provided, That no such deduction shall be made until one year after the opening of the first legislative session convened in such State after the passage of this Act.

Sec. 8. That any portion of an allotment to any State which remains unpaid at the end of a fiscal year shall be treated as an unexpended balance of the appropriation of that year.

Sec. 9. That the Secretary of the Interior shall annually ascertain whether the several States are using or are prepared to use the money allotted to or received by them under this Act, and shall certify, on or before the 10th day of August of each year, to the Secretary of the Treasury (a) each State which has accepted the provisions of this Act and complied therewith; (b) the amount which each State is entitled to receive.

Sec. 10. That the Secretary of the Treasury upon the certification of the Secretary of the Interior made on the 15th day of August, November, February, and May of each year shall pay to the custodian of such sums

in each State the money to which it is entitled under the provisions of this Act for the ensuing quarter. The money so received by the State shall be paid out on the requisition of the department of education or chief school officer for services already rendered or expenditures already incurred and approved by such department or officer.

Sec. 11. That the Secretary of the Interior shall make a report to Congress before December 1 of each year of all operations, expenditures, and allotments under the provisions of this Act, and shall include therein the reports made by the several States on the administration of this Act and the expenditure of money allotted.

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